

Applicant: Eiji Nakai
Serial No.: 10/806,606
Filing Date: March 23, 2004
Docket No.: 362-92
Page 8

REMARKS

The last Office Action in the above-identified application, and the reference cited by the Examiner has been carefully considered. Applicant respectfully submits the following remarks in support of the patentability of the claims in their present form.

The courtesy of Examiner Tekle in granting a telephonic interview with the undersigned attorney is gratefully appreciated. The telephonic interview with Examiner Tekle took place on March 18, 2010. The Sakuramoto, et al. published application (U.S. Patent Application Publication No. 2002/0126993), which was cited by Examiner Tekle as anticipating, under 35 U.S.C. 102(e), Claims 1 and 3-16 which are pending in the application was discussed. More specifically, the undersigned attorney explained the differences between the apparatus and method disclosed in the Sakuramoto, et al. published application and the claimed invention. It was explained that the claimed invention is directed to a recording apparatus and method which has a plurality of data files for recording the content data. A designator designates one of the data files into which content data is written, and a marker is written at the end of a writing operation if data is written into the designated file properly.

Even more specifically, the unsigned attorney explained that the claimed invention records data by writing it into a plurality of data files. After one data file is filled, a marker is set to a 1 (for example) to indicate that the data was properly recorded in the data file. Then, data is recorded into the next data file, and when the data is successfully written into that data file, a marker is set to a 1, as before. Thus, content data is written into the data files, one by one, and the marker indicates whether the data has been successfully recorded in the data files. If writing of data into a designated file was abnormally stopped and not completed, such as due to a power failure, then the marker will not be set to a 1, for example, which indicates that this is the particular data file in which the writing operation was abnormally stopped and in which the writing operation should be resumed.

The undersigned attorney further explained to Examiner Tekle during the interview that, in the Sakuramoto, et al. published application, the apparatus samples the physical position of the disk periodically to determine the last known video reproducing position on the disk. It does not divide the work memory into a plurality of data files. Furthermore, there is no marker which indicates that a reproducing operation has been completed. The Sakuramoto, et al. apparatus does not determine whether such a marker exists or not when the apparatus determines whether normal reproducing of data has occurred or whether reproducing has stopped abruptly.

Examiner Tekle advised the undersigned attorney that he now understands the differences between the claimed invention and what is taught by the Sakuramoto, et al. published application, and that he was going to consult with his supervisor about these differences and to see what his supervisor says.

In a subsequent telephone conference with Examiner Tekle on April 15, 2010, Examiner Tekle advised the undersigned attorney that he spoke with his supervisor, and they both agreed that the claimed invention is related to a data recording device, while the Sakuramoto, et al. published application is primarily directed to a data reproducing device. The undersigned attorney explained that this is one difference, but that another difference is that the Sakuramoto, et al. device interrupts the reproducing of data in order to periodically sample the physical location on the disk, where as the claimed invention divides the work memory into a plurality of data files, and sets a marker which indicates that the recording has been completed for each data file. No interruption of the recording of data, and no sampling of the data files, occurs with the claimed apparatus and method.

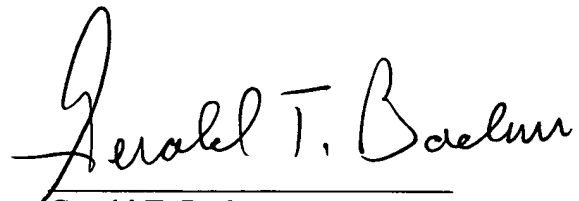
Examiner Tekle asked the undersigned attorney to file a response to the non-final Office Action in which Applicant reiterates the arguments which were made during the telephonic interview with him. Examiner Tekle advised the undersigned attorney that if he does not find another reference which discloses the claimed feature, then he will most likely allow the application.

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Docket No.: 362-92
Page 10

Accordingly, the present Reply to Office Action is submitted herewith with a restatement of the differences between the claimed invention and the invention disclosed in the Sakuramoto, et al. published application, as requested by Examiner Tekle.

It is respectfully urged that Claims 1 and 3-16, in their present form, amended in the Reply to Final Office Action dated September 9, 2009 to more specifically and clearly set forth the features of the claimed invention, patentably distinguish over the Sakuramoto, et al. published application and are allowable. If Examiner Tekle has any questions or requires further information, it is respectfully requested that he contact the undersigned attorney at the telephone number given below.

Again, the undersigned attorney, and Applicant, wish to thank Examiner Tekle for all of his help and guidance with respect to this application. In view of the foregoing remarks, favorable reconsideration of Claims 1 and 3-16 and allowance of the application with Claims 1 and 3-16 are respectfully solicited.

A handwritten signature in cursive script, reading "Gerald T. Bodner". The signature is written in dark ink and is positioned above a horizontal line.

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